

REMARKS

Claims 1 to 6, 8 to 24, and 26 to 27 are now pending. Claims 1, 10, 14, 16, 17, 19-22, 24, and 26 are amended. Support for the amendments is found in the specification as originally filed. For example, support is found at Figures 1 and 2 (uncut selvage) and at paragraph [0015] (crocheted cloth, wefts passing across the width ends of the warps to form selvage).

The Examiner is respectfully requested to reconsider the claims and withdraw the rejections in view of the amendments and remarks contained herein.

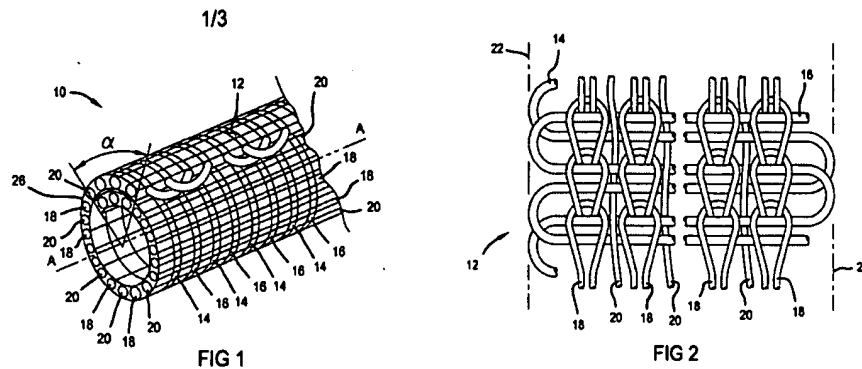
REJECTION UNDER 35 U.S.C. § 112

Claims 1-6, 8-24, and 26-27 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

As a preliminary matter, Applicant notes that drawings and figures are properly considered as part of an Applicant's disclosure for the purposes of 35 U.S.C. § 112. Drawings can provide a written description of an invention as required under § 112. *See, Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1565 (Fed. Cir. 1991). An applicant can also show possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, *figures*, diagrams, and formulas that fully set forth the claimed invention. *See, Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572 (Fed. Cir. 1997) (emphasis added). *See also* MPEP § 2163.

Applicant had pointed out Figures 1 and 2 as the support for the limitation "non-spiral configuration," in previous correspondence. *See, Amendment* filed May 30, 2006,

page 11. The Examiner's attention is directed to these figures, reproduced below for convenience.



Figures 1 and 2 clearly show that the filaments are set parallel to the longitudinal axis of the sleeve, *i.e.* the filaments are set in a “non-spiral configuration.”

The disclosure of Figures 1 and 2 is further supported in the text of the specification. As stated by the Examiner, the specification describes the yarn orientation as being “generally parallel to the longitudinal axis A-A of the tubular sleeve (*as showed in FIG. 1*).” Paragraph [0016], sans reference numerals (emphasis added). Not only does the specification describe generally parallel filaments, it does so in reference to a figure illustrating that the filaments are not set in a spiral configuration. Thus, the specification as originally filed supports the “non-spiral configuration” limitation of the present claims. Applicants have amended the claims to more particularly point out that the non-spiral configuration is with respect to the longitudinal axis of the covering.

In response to the Examiner's remarks, Applicant notes that the term “generally parallel” should be understood by one of skill in the art, particularly in light of the specification, to mean non-spiraled. In the production of fabrics, it is understood that yarns cannot be placed in perfectly straight configurations, primarily due to the nature of

fabric manufacturing. Thus, there is some minimal tortuosity that is expected in yarns placed in parallel to a longitudinal axis. The temporary twists or convolutions along the length of the yarns of the manufactured fabric do not substantially affect the parallel nature of the overall yarns nor cause the yarns to be spiraled in reference to the longitudinal axis. Such yarns are still considered by one of skill in the art to be “generally parallel” and not “spiraled.”

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103 OVER FORD ET AL. IN VIEW OF SCHNEGG, WOODALL, JR., AND VOWLES ET AL.

Claims 1 to 2, 4 to 5, 8, and 10 to 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford et al. (U.S. Pat. No. 5,556,495), in view of Schnegg (U.S. Pat. No. 5,191,777), Woodall, Jr. (U.S. Pat. No. 3,882,857), and Vowles et al. (U.S. Pat. No. 4,938,907).

The combined references of Ford, Schnegg, Woodall, Jr., and Vowles do not teach or suggest all of the elements of the presently amended claims. In particular, the Schnegg reference, cited by the Examiner as teaching a weft inserted warp knit, does not describe the same selvage as recited in the present claims.

One of ordinary skill in the art recognizes that selvage is the lengthwise finished edge on each side of a fabric. Schnegg teaches selvage that is comprised of the weft yarns cut at their ends with an adjacent chain stitch to secure the yarns in the fabric. Schnegg at col. 7, lines 39-43; and col. 8, lines 65-67. Such a selvage is also illustrated in the figures of Schnegg, for example at Figures 3 and 5, reproduced below.

Schnegg reference. The present claims are drawn to wiring, cable and/or tubing covers that exhibit various characteristics pertinent to such applications including, *e.g.*, abrasion resistance, flame-retardant capability, high temperature capability, and/or EMI/RFI shielding. See specification at paragraph [0023]. Woodall Jr.'s orthopedic casts are a significantly different application with a very different set of requirements, *e.g.* softness of hand, air permeability, antibacterial properties, rigidity, and immobilization. See Woodall Jr. at col. 3, lines 37-63; and col. 4, lines 1-37.

The fact that both the present claims and the Woodall Jr. reference describe covers for elongated bodies, in the most general sense, does not mean that Woodall Jr. is in Applicant's field of endeavor or reasonably pertinent to the problems addressed by Applicant. In this case, the problem addressed by Applicant relates to applications requiring abrasion resistance, flame-retardant capability, high temperature capability, and/or EMI/RFI shielding. These are not requirements contemplated by the Woodall Jr. reference. Thus, Woodall Jr. is not in the field of, nor reasonably pertinent to, Applicant's endeavor.

For at least this further reason, Applicant respectfully suggests that a *prima facie* case for obviousness has not been established, and that the rejection based on the combined Ford, Schnegg, Woodall, Jr., and Vowles references should be withdrawn.

FURTHER REJECTIONS UNDER 35 U.S.C. § 103

Claims 3, 6, 9, 13 to 24, 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford, Schnegg and Woodall Jr. in view of various additional references, or combinations of references, including Boyd et al. (U.S. Pub. No. 2005/0017402), Keogh et al. (U.S. Pub. No. 2002/0098357), Stanhope et al. (U.S. Pat.

No. 5,556,495), Bettcher et al. (U.S. Pat. No. 5,070,540). These rejections are respectfully traversed.

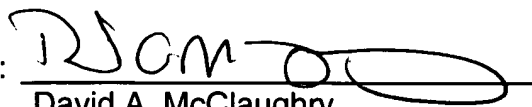
Applicant believes that a *prima face* case for obviousness fails in light of the above arguments. Also, the additional references do not provide the elements absent from the combined Ford, Schnegg, Woodall, Jr., and Vowles references. Accordingly, Applicant respectfully requests that all the rejections based on these references be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 23, 2006

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